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| IN THE SECOND DISTRICT COURT OF WEBER COUNTY, OGDEN DISTRICT COURT, STATE OF UTAH | |
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| NICHOLE WARREN on behalf of her minor son, JOHN DOE Plaintiffs, vs. OGDEN CITY SCHOOL DISTRICT and DREW TUTT Defendants | COMPLAINT - Tier III Case #: Judge: |

Plaintiff alleges as follows:

1. Plaintiff Nichole Warren's son, John Doe, is a minor whose date of birth is 08/20/03.
2. John Doe attended Mount Fort Middle School during the 2016/2017 school year.
3. During the 2016/2017 school year, Defendant Drew Tutt was John Doe's teacher.
4. During the 2016/2017 school year, Defendant Drew Tutt negligently, carelessly, and/or recklessly instructed John Doe to go to the school parking lot with him and three minor females.
5. In the parking lot, Defendant Drew Tutt negligently, carelessly, and/or recklessly took Plaintiff John Doe and the three minor females to his vehicle.

6. Defendant Drew Tutt negligently, carelessly, and/or recklessly instructed Plaintiff John Doe to look inside the vehicle to see a gun which was sitting on the passenger seat.
7. Defendant Drew Tutt negligently, carelessly, and/or recklessly then instructed Plaintiff John Doe to take “naked” pictures of the three minor females and to send them to him.
8. Defendant Drew Tutt negligently, carelessly, and/or recklessly informed Plaintiff John Doe that if he did not do this, Defendant Drew Tutt would do something he would regret.
9. Defendant Drew Tutt then placed the gun in the glove box of his vehicle.
10. On February 8, 2017, John Doe approached his guidance counselor, Nichole Goodlife, and informed her that Drew Tutt had taken him out to his car and showed him a gun, that Drew Tutt had inappropriately touched his shoulders, and that Drew Tutt had invited him to his home. Ms. Goodlife called the police and a report was made.
11. Prior to these events, another student’s mother had filed a complaint with both the Ogden School District and Mound Fort Middle School regarding Drew Tutt’s inappropriate behavior with her minor daughter.
12. Staff and officials at the Ogden City School District and Mound Fort Middle School were aware and on notice that Defendant Drew Tutt was acting inappropriately to students in a sexually related way.
13. Defendants Ogden City School District and Mound Fort Middle School negligently, carelessly, and/or recklessly failed to investigate these allegations and/or to protect other students, including Plaintiff John Doe from Defendant Drew Tutt.

14. As a result of both Defendant's negligence, Plaintiff has suffered serious emotional and psychological harm to his damage in amounts to be proved at trial and his civil rights have been violated under 42 U.S.C.1983
15. As a result of both Defendant's negligence, John Doe has suffered from past, present, and future severe emotional pain and will need present and future counseling, medical treatment, and psychological treatment.
16. As a result of both Defendant's negligence, conduct, and/or acts, Plaintiff John Doe has suffered permanent emotional injuries.
17. Plaintiff John Doe seeks an award of both general and punitive damages in amounts to be proved at trial.

WHEREFORE, Plaintiff's requests judgment against Defendant for all damages proved at trial; for statutory interest on special damages and for such other and further relief as is just and proper.

DATED: this June 19, 2018

/s/ Lani K. Wallace
LANI K. WALLACE
Attorney for Plaintiff